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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,178	06/04/2001	Hiromu Ueshima	100341-00009	9626

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ARENT FOX KINTNER PLOTKIN & KAHN  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON, DC 20036

EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

HCT

**Office Action Summary**

Application No.

09/856,178

Applicant(s)

UESHIMA ET AL.

Examiner

Steven Ashburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

  
**MARK SAGER**  
**PRIMARY EXAMINER**

## ***DETAILED ACTION***

### ***Claim Objections***

Claims 2 and 3 are objected to because they contain typographical errors. In particular, claim 2 states “casing” vice “casting”. Claim 3 states “clain1 or 2” vice “claim 1 or 2”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tosaki et al., U.S. Patent 6,312,335 B1 (Nov. 6, 2001) in view of Uemura et al., U.S. Patent 4,521,020 (Jun. 4, 1985).**

*Tosaki* discloses a fishing game system wherein the input device is a simulated fishing rod and reel. The input device includes means for detecting physical movement of the device as a whole and converting the physical quantities to a detection signal that is output to the game process. *See abstract*. The input device further includes vibration means for inducing mechanical displacement corresponding to instruction signals. *See id.*

In regards to independent claim 1, *Tosaki* teaches all the features of the claim as listed below:

- a. Casting rod. *See fig. 1; col. 2:50-51.*

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- b. Acceleration sensor provided in the casting rod to output an accelerant signal during casting. *See fig. 5; col. 2:1-16, 7:4-60.*
- c. Means in the casting rod for determining the casting distance on the game screen based on the acceleration signal. *See fig. 1, 5; col. 10:28-11:61.*

Hence, *Tosaki* teaches all the features of the claim except having the game processor and input device located within the same housing. Regardless of the deficiency, this feature would have been obvious to an artisan in view of *Uemura*.

*Uemura* discloses a gaming system wherein the player-controls, processing and input/output are housed within a single housing connected that connects directly to a television in order to provide an improved game machine with a simple structure and reduced cost. *See fig. 1; col. 4:46-50, col. 6:5-45.*

In view of *Uemura*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the game system disclosed by *Tosaki* to add the feature of having the game processor and input device within the same housing to provide an improved game machine with a simple structure and reduced cost.

In regards to claim 3, the fishing game system suggested by the combination of *Tosaki* with *Uemura* describes all the features of the claim except the acceleration sensor including a piezoelectric buzzer element generating an electrical signal correlated to acceleration. In particular, *Tosaki* describes a casting rod incorporating sensors to detect the magnitude of the rod's acceleration during casting and thereby determine the strength of the user's input. *See col. 10:58-11:22.* It is known in the art to employ piezoelectric buzzer elements to generate electrical signals corresponding to acceleration. Thus, in this case, it would have been obvious to an artisan at the time of the invention to modify the fishing game system suggested by the combination of *Tosaki* with *Uemura* to employ piezoelectric buzzer elements to generate electrical signals corresponding to acceleration during casting.

In regards to claim 4, *Uemura* additionally teaches an AV cable connecting the game system with the television monitor to supply video and audio signals from the game processor to the television through the AV cable. *See fig. 1(21); col. 6:5-30; 12:54-13:12.*

In regards to claim 5, *Uemura* additionally teaches a game system including an information storage medium and a game processor including operation processing means, image processing means and memory. *See fig. 2-20.*

In regards to claim 6, *Tosaki* additionally teaches an information storage medium including a non-volatile semiconductor memory. *See col. 4:43-54.*

### ***Allowable Subject Matter***

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not suggest a fishing game wherein a casting rod includes a light spot detecting means for detecting a light spot of a television display such that the game processor determines the direction of a casting on a game screen according to the output of a light detecting means. Light spot detection is an old and well-known method for targeting objects on a television. Prior art games sense a "hit" based solely upon whether a player-input device is aligned with a spot that corresponds to an object. For example, shooting games in which a player aims a gun at a target. In comparison, casting a hook is distinguished from the prior art because "hits" are dependant on both the direction and the force of the cast. The prior art does not teach using light spot detection in a system where targeting is based on direction and force.

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Consequently, the prior art does not suggest does not suggest using light spot detection to determine the direction of a casting rod in a fishing game.

### ***Conclusion***

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: Dao et al., U.S. Patent 5,835,077 (Nov. 10, 1998) discloses a game input device using piezoelectric accelerometers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

S.A.  
January 23, 2003



MARK SAGER  
PRIMARY EXAMINER